

Full Listing – NIH Ethics Elements

National Institutes of Health Ethics Program

Ethics Critical Elements for DECs and Supervisors

The performance contracts of all Institute/Center (IC) Deputy Ethics Counselors (DECs) and supervisors at the NIH must contain the ethics critical element consisting of standard language that pertains to their ethics responsibilities. DECs who are also supervisors must have both critical elements in their contracts. All members of the SES with supervisory responsibility or who serve as a Deputy Ethics Counselor must also have specific language in their performance contracts. Below is the text for each, plus a link to a Word file to easily use the text in your contract or performance plan, plus some questions and answers about implementing the requirement

[Ethics Critical Element for IC DEC's](#) (Word format)

Execute an IC ethics program that includes:

- Administering the public and confidential financial disclosure system in accordance with regulations.
 - Identifying employees who need to file.
 - Ensuring timely submission, review, and certification of reports.
- Managing the outside activity prior approval process in accordance with regulations.
 - Participating in discussions and making decisions based on NIH Ethics Advisory Committee (NEAC) recommendations.
 - Counseling employees on regulatory requirements and real or apparent conflicts of interest that may arise from a proposed activity.
 - Ensuring the timely submission, review, and certification of reports.
- Ensuring IC compliance with cash or in-kind (348 travel) travel reimbursement authorities.

- Administering procurement integrity ethics provisions prescribed by the GSA in the Federal Acquisition Regulation (FAR), including any and all procurement integrity advisory opinions.
- Providing advice and counsel to managers, supervisors, and individual employees on the statutes, regulations, and policies governing conflict of interest, standards of conduct, representational activities, salary supplementation, post-employment, political activity, and related ethics provisions and their responsibility for compliance.
- Rendering determinations under the Standards of Ethical Conduct with respect to awards, honorary degrees, prohibited gifts, conflicts of interest, impartiality, and other matters requiring a disposition by an agency ethics official or designee.
- Assessing information provided by employees or others to ascertain the application of conflict of interest statutes, regulations, and policies, and resolving actual or potential conflicts or the appearance of a loss of impartiality.
- Developing and maintaining an education and training program regarding ethics, political activity, and related topics.
- Enforcing ethics laws, standards of ethical conduct, and related provisions through criminal referrals and/or administrative sanctions.
 - Coordinating functions within the IC.
 - Giving direction to IC staff.

Ethics Critical Element for Supervisory Staff (Includes DEC's if they are supervisors) (Word format)

Actively promote awareness and enforce strict adherence to ethics and standards of conduct statutes, regulations, policies, and procedures through:

- Ensuring all employees are trained, as they apply, on the statutes and regulations governing conflict of interest, standards of conduct, outside activity prior approval process, representational activities, salary supplementation, post-employment, political activity, awards, honorary degrees, prohibited gifts, impartiality, and related ethics provisions, and their responsibility for compliance.
- Reviewing requests and information submitted by employees to determine real, apparent, or potential conflict of interest. Consults IC Deputy Ethics Counselor(s) and other appropriate resources as needed.

- Ensuring employees comply with cash or in-kind travel reimbursement authorities and procurement integrity ethics provisions.
- Ensuring employees submit forms and information in a timely matter to IC Deputy Ethics Counselor(s) and that, where needed, approval is obtained prior to engaging in the activity.
- Ensuring that employees who violate statute, regulation, policy, or guidance receive appropriate discipline.

Ethics Sub-Element for SES with Supervisory Responsibilities (Word format)

Add the following sub-element in the "Performance Agreement (Program and Management Outcomes) - Critical Elements" section of the SES Performance Plan:

- Ensures employee awareness, training, compliance and discipline relative to ethics, financial disclosure, conflicts of interest, standards of conduct, political activity, and procurement integrity requirements. Reviews and make determinations timely and accurately as to financial disclosure reports, employee requests for approval of outside activities, and other ethics clearance matters.

Ethics Sub-Element for SES Deputy Ethics Counselors (DECs) Word Format

Add the following sub-element in the Performance Agreement (Program and Management Outcomes) - Critical Elements" section of the SES Performance Plan:

- Executes an ethics program that ensures program accountability and compliance with the full range of ethics, financial disclosure, conflicts of interest, standards of conduct, political activity, and procurement integrity requirements. Ensures the program adequately provides for employee awareness, training, compliance and discipline relative to these matters. Raises legal, policy, and ethics program management issues to the Designated Agency Ethics Official (DAEO) to ensure an appropriate level of attention and a consistent approach. Renders prompt and informed advice, counsel, and training to managers and employees. Reviews and makes timely and accurate determinations as to financial disclosure

reports, employee requests for approval of outside activities, and other ethics clearance matters.

[August 2004 Qs&As about Ethics Critical Elements](#)

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